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Attorney Docket No. 3098/103

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hsin-Chi CHEN

Serial No: 10/040,494

Examiner: N. Chukwurah

Filed: January 9, 2002

Group Art Unit: 3721

For: CHECK MECHANISM FOR ROTARY SHAFT OF PNEUMATIC TOOL

**REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT  
AND ISSUANCE OF AN OFFICE ACTION**

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Commissioner of Patents  
Washington, D.C. 20231

NOV 18 2003

TECHNOLOGY CENTER R3700

Sir:

It is respectfully submitted that the Notice of Abandonment be withdrawn and a new Office Action restarting the time frame for response be issued.

An Office Action was mailed to 5205 Leesburg Pike, Suite 1404, Falls Church, Virginia 22041. Applicant is submitting herewith a copy of the change of address notice filed in the U.S. Patent and Trademark Office on March 15, 2002.

Accordingly, please issue a new Office Action restarting the time frame for response. Please forward this document and future correspondence to the address listed below.

Respectfully submitted,

November 14, 2003  
Date

By: *David E. Dougherty* Reg. No. 19,576

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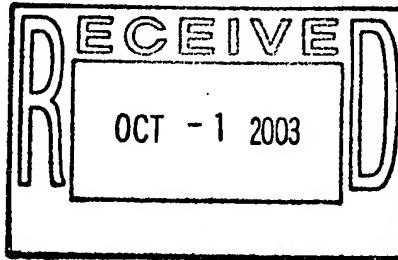


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,494	01/09/2002	Hsin-Chi Chen	DED/3098/103	2832

7590            09/12/2003  
DAVID E. DOUGHERTY  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041



EXAMINER	
CHUKWURAH, NATHANIEL C	
ART UNIT	PAPER NUMBER
3721	

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOV 10 2003  
TECHNOLOGY CENTER 14700



**Notice of Abandonment**

Application No.	Applicant(s)	
10/040,494	CHEN, HSIN-CHI	
Examiner	Art Unit	
Nathaniel C. Chukwurah	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 04 February 2003.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

**RECEIVED**

NOV 18 2003

TECHNOLOGY CENTER R9700

  
SCOTT A. SMITH  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.